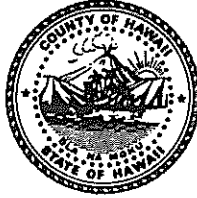


Stephen K. Yamashiro
Mayor



County of Hawaii

PLANNING COMMISSION

25 Aupuni Street, Room 109 • Hilo, Hawaii 96720-4252
(808) 961-8288 • Fax (808) 961-9615

CERTIFIED MAIL
Z 095 323 304

March 8, 1996

Byron Fujimoto, Vice President
Jas. W. Glover, Ltd.
890 Leilani Street
Hilo, HI 96720

Dear Mr. Fujimoto:

Use Permit Application (USE 96-1)
Applicant: Jas. W. Glover
Request: Establishment of a Quarry Operation
Tax Map Key: 2-1-13:151

The Planning Commission at its duly held public hearing on February 23, 1996, voted to approve the above-referenced application. Use Permit No. 143 is hereby issued to allow the establishment of a quarry operation on approximately 8.727 acres of land situated within the General Industrial (MG-1a) zoned district. The property is located adjacent to and east of the existing Mana Quarry site and in the vicinity of the County's solid waste transfer station site at Waiakea, South Hilo, Hawaii.

Approval of this request is based on the following:

The proposed use will be consistent with the general purpose of the zoned district, the intent and purpose of the Zoning Code and the County General Plan. Quarrying is a permitted use in the General Industrial zoned district with the granting of a Use Permit. The proposed use is consistent with the general purpose of the zoned district which applies to areas for uses that are generally considered to be offensive or have some element of danger. Quarrying activity is consistent with the goals and policies for industrial development set forth in the Land Use Element of the General Plan. Specifically, the proposed use follows the course of action for industrial development in South Hilo to "Encourage the centralization of industrial activities in the Kanoiehua Industrial area. Noxious industries shall be located away from residential and related areas." Further, the proposed use will complement the following goals, policies and standards of the Land Use Elements of the General Plan:

- * Designate and allocate industrial areas in appropriate proportions and in keeping with the social, cultural, and physical environments of the County.
- * Promote and encourage the rehabilitation of industrial areas which are serviced by basic community facilities and utilities.

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Therefore, the approval of the subject request would be consistent with the policy direction established by the General Plan. The subject property is situated within the Industrial area of the General Plan Land Use Pattern Allocation Guide (LUPAG) Map.

The desired use will not be materially detrimental to the public welfare nor cause substantial adverse impact to the community's character or surrounding properties. As previously mentioned, the zoned district has been designated Industrial in order to segregate incompatible uses. Surrounding uses include the County landfill and other quarrying and industrial activities. The quarrying operation will be in conformity with the existing character of the area. It will be an extension of the present Mana Quarry site which is also used by the applicant.

The proposed use will not adversely affect similar or related existing uses within the surrounding area, community or region. The proposed use will be an extension of existing quarry use on the adjoining property. Quarrying at the proposed site will have the advantage of providing a source of raw materials near the point of processing.

The proposed use will not unreasonably burden public agencies to provide roads and streets, sewers, water, drainage, school improvements, police and fire protection and other related infrastructure. The applicant will be accessing the subject property via its existing roadway from the adjoining Mana Quarry site. The industrial zoned district has been designated as such because of the availability of necessary services for uses as that proposed. No additional services will be required.

Based on the above considerations, it is determined that quarrying activity is a use of land which would not be contrary to the objectives sought to be accomplished by the County Zoning Code and General Plan.

Approval of this request is subject to the following conditions:

1. The applicant, its successor or assigns shall be responsible for complying with all stated conditions of approval.
2. The applicant shall indemnify and hold the County of Hawaii harmless from and against any loss, liability, claim or demand for the property damage, personal injury or death arising out of any act or omission of the applicant, its successors or assigns, officers, employees, contractors and agents under this permit or relating to or connected with the approval of this permit.
3. Quarry activity shall commence within two (2) years from the effective date of this permit. A written notification of commencement of quarry activity shall be submitted to the Planning Department.
4. Quarrying activities shall be limited to between the hours of 7:00 a.m. and 5:30 p.m. daily.
5. Should any remains of historic sites, such as rock walls, terraces, platforms, marine shell concentrations or human burials, be encountered, work in the immediate area

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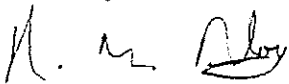
shall cease, and the DLNR-HPD shall be immediately notified. Subsequent work shall proceed upon an archaeological clearance from the DLNR-HPD when it finds that sufficient mitigative measures have been taken.

6. The life of this Special Permit shall be co-terminous with the State Department of Land and Natural Resources Land License.
7. Within sixty (60) days after termination of the quarry operation or abandonment of the project site, appropriate documentation which demonstrates compliance with the Department of Land and Natural Resources' approved site reclamation plan shall be submitted to the Planning Department.
8. An extension of time for the performance of conditions within the permit may be granted by the Planning Director upon the following circumstances:
 - A. The non-performance is the result of conditions that could not have been foreseen or are beyond the control of the applicant, successors or assigns, and that are not the result of their fault or negligence.
 - B. Granting of the time extension would not be contrary to the General Plan or Zoning Code.
 - C. Granting of the time extension would not be contrary to the original reasons for the granting of the permit.
 - D. The time extension granted shall be for a period not to exceed the period originally granted for performance (i.e., a condition to be performed within one year may be extended for up to one additional year).

This approval does not, however, sanction the specific plans submitted with the application as they may be subject to change given specific code and regulatory requirements of the affected agencies.

Should you have any questions, please feel free to contact Alice Kawaha or Susan Gagorik of the Planning Department at 961-8288.

Sincerely,



Kevin M. Balog, Chairman
Planning Commission

AK:syw

LGlove02.PC

cc: Honorable Stephen K. Yamashiro, Mayor
Department of Public Works
Department of Water Supply
County Real Property Tax Division